

Zoning Text Amendment No.: 16-10
Concerning: Transferable
Development Rights
Overlay Zone – Optional
Method Standards
Draft No. & Date: 1-07/19/16
Introduced: August 2, 2016
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- modify the Transferable Development Rights (TDR) Overlay zone to clarify when the requirements under optional method MPDU development must be followed;
- correct the minimum common open space requirements for optional method development using Transferable Development Rights; and
- generally amend the requirements for development under the TDR Overlay zone

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 4.9. “Overlay Zones”
Section 4.9.16. “Transferable Development Rights (TDR) Overlay Zone”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-4.9 is amended as follows:

DIVISION 4.9. Overlay Zones

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Section 4.9.16. Transferable Development Rights (TDR) Overlay Zone

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B. Optional Method

1. In General

The TDR Overlay optional method of development permits an increase in the maximum residential density, if the development satisfies the requirements for optional method development using Transferable Development Rights under Section 4.9.16.B.

* * *

d. Development with Moderately Priced Dwelling Units

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- iii. In a Rural Residential or Residential zone with a TDR density designation of less than three units per acre, development using TDRs and providing MPDUs above 12.5% must follow the requirements under optional method MPDU Development. Any other optional method development in a Rural Residential or Residential zone must satisfy the requirements of Section 4.9.16.B.

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2. Rural Residential and Residential Zones

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b. Calculation of TDRs Required in the Rural Residential or Residential Zones

Development using TDRs must include at least 2/3 of the maximum number of development rights unless the Planning Board finds that a lower density is more appropriate for environmental or compatibility reasons.

- i. In the Rural Residential and Residential zones, the following building types require a minimum percent of total units indicated, and where applicable a maximum allowed number of units (noted in parentheses). In addition, the minimum amount of common open space required is indicated:

TDR Density Designation	Size of Development	Building Type (minimum required as a percentage of total units)				Common Open Space (min)
		Detached House	Duplex	Townhouse	Apartment	
1	Any size	100%	0%	0%	Not permitted	0%
2	Any size	100%	0%	0%	Not permitted	0%
3-5	< 800 units	30%	0%	0%	Not permitted	[35] <u>20</u> %
	800+ units	30%	0%	0%	0% (20% max)	[35] <u>20</u> %
6-10	< 200 units	15%	0%	0%	Not permitted	[40] <u>20</u> %
	200+ units	15%	0%	0%	0% (35% max)	[40] <u>20</u> %
11-15	< 200 units	0%	0%	0%	0%	[50] <u>25</u> %
	200+ units	0%	0%	0%	35% (60% max)	[50] <u>25</u> %

TDR Density Designation	Size of Development	Building Type (minimum required as a percentage of total units)				Common Open Space (min)
		Detached House	Duplex	Townhouse	Apartment	
16-28	200 units	0%	0%	0%	0%	[50] <u>25</u> %
	200+ units	0%	0%	0%	25% (60% max)	[50] <u>25</u> %
> 28	Any size	0%	0%	0%	25%	[50] <u>25</u> %

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Sec. 2. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council